IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3223 OF 2004
IN
FIRST APPEAL (ST) NO.38421 OF 2000

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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CORAM : A. S. OKA, J.
DATE : JUNE 08, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned Advocate appearing for the Respondents. The learned Advocate appearing for the Respondents strongly opposed this Application by submitting that all along there is a gross default on the part of the Applicant.

2. It is true that there is some default on the part of the Applicant. In such matters liberal approach is required to be adopted with a view to ensure that a litigant does not suffer and the cause is decided on merits by a court of law. The Applicant is a bank and public money is involved. Even if the Applicant succeeds in this Application all that will happen is

that the First Appeal will be restored and the same will be heard on merits. The prejudice which will be caused to the Respondents can be always compensated in terms of costs. Hence, Application deserves to be allowed, in view of the averments made in paragraph Nos.4 to 9 in this Application. Accordingly, Application is allowed in terms of prayer clauses (a) to (c). The Applicant is directed to pay costs of Rs.7,500/- to the Respondent within period of four weeks from today.

JUDGE